

Department of Community Development and Planning  
100 Hughes Road  
Madison, Alabama 35758



## Planning Commission Staff Report

July 15, 2011

**Agenda Item:** *Wann Properties*

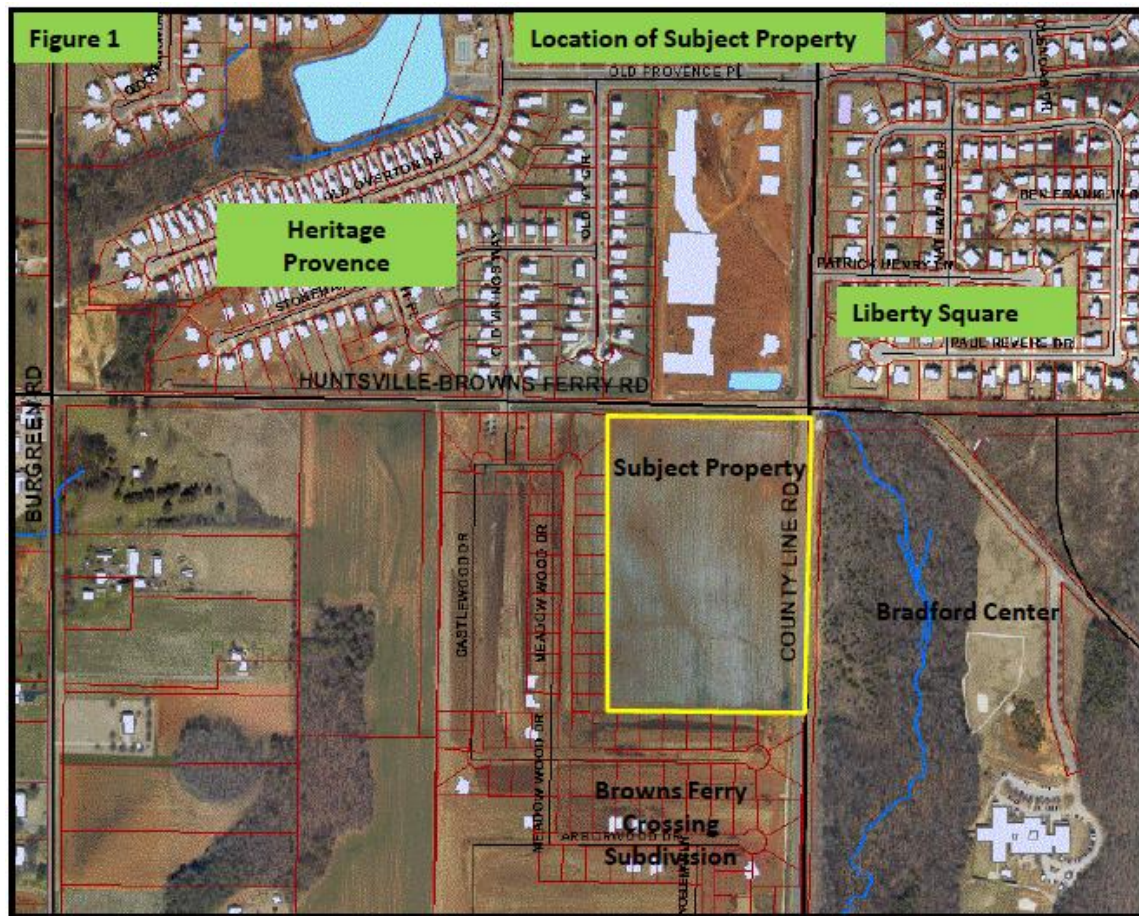
**Applicant:** The City of Madison

**Owner:** Gayle Wann Guy and William Wann

**Request:** To change the Zoning Designation from Multi-Family Residential (R-4) to Community Commercial (B-2)

## Property Location

The property is located south of Huntsville-Browns Ferry Road and west of County Line Road.



## Background

The subject property is known as *Wann Properties Subdivision* and was platted in July of 2005. The area of the subject property is 86.66 acres of land divided into two individual tracts. Tract B consists of 64.62 acres of land and was rezoned Single-Family Detached (R-3A) and is currently the

location of *The Arbor's of Browns Ferry Crossing Subdivision* and *Browns Ferry Crossing Subdivision*. The entire portion of Tract A was rezoned from Agriculture (AG) to Community Commercial (B-2).

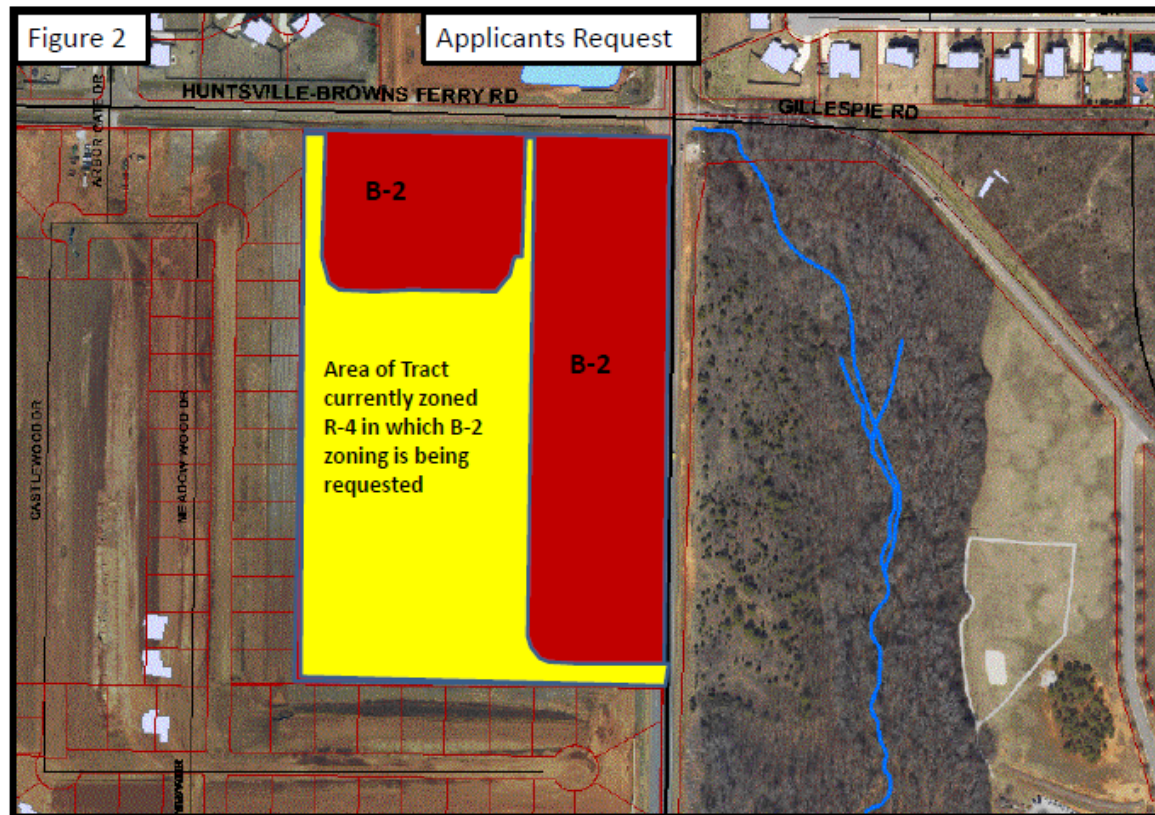
In 2008, Stafford Properties Inc. requested that 11.37 acres of Tract A be rezoned from Community Commercial (B-2) to Multi-Family Residential (R-4). The applicant presented a development plan for rental apartments designed in a style more like townhomes than a traditional apartment complex. Each unit would have front entry access, a front entry garage and consist of a first and second story. The zoning request was approved in large part because of the townhome style design of the units.

Neither a site plan nor a building permit was ever presented for approval and the property has remained vacant since.

GBT Realty requested that an additional 5.41 acres of Tract A be rezoned from Community Commercial (B-2) to Multi-Family Residential (R-4) in July of 2011. The request was removed from the July 21, 2011, Planning Commission agenda at the request of the applicant, GBT Realty.

**Applicant's Request:**

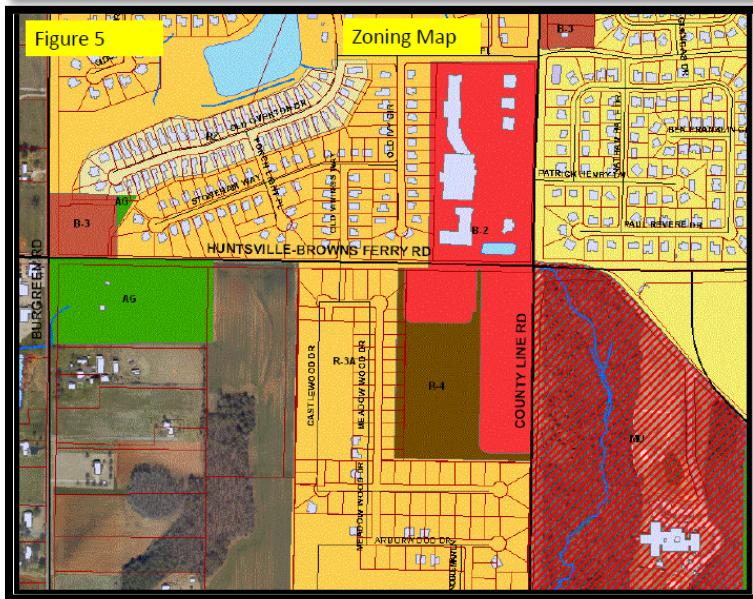
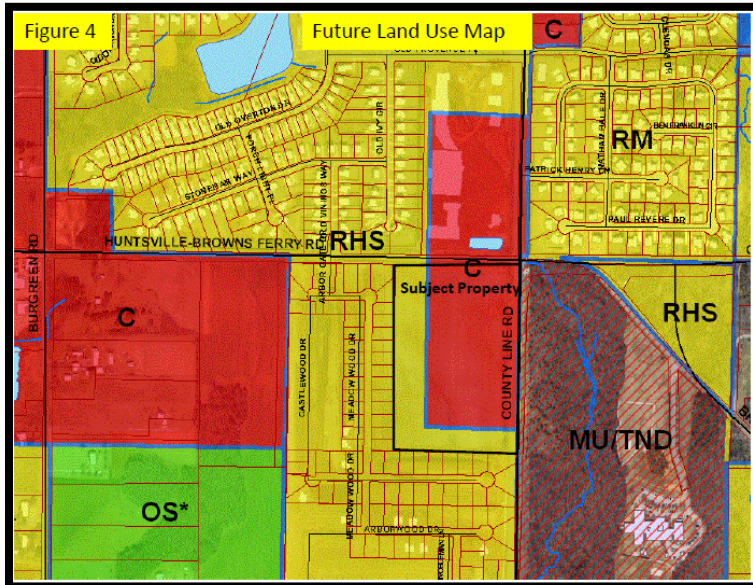
The City of Madison is requesting the 11.37 acres currently zoned Multi-Family Residential (R-4) be rezoned to Community Commercial (B-2). The property owners Gayle Wann Guy and William Wann support the City of Madison's request to rezone the 11.37 acres to Community Commercial (B-2).





## Findings of Fact

The Planning Commission should study and consider the proposed change in relation to the criteria listed below. In preparing the report, the Technical Review Committee used the same criteria to formulate a recommendation.



1. Whether the proposed change would be contrary to the Comprehensive Land Use Plan or the Adopted Future Land Use Map: *The Future Land Use Plan designates most of Tract A as Commercial and a smaller portion Residential High Density Single-Family. The requested change to Community Commercial (B-2) is not entirely consistent with the Future Land Use Map. However, the requested rezoning to Community Commercial (B-2) would make Tract A more consistent with the Future Land Use Map than the current zoning and provides for the most logical development of the property. The soon to be adopted Madison Growth Plan indicates this property as a key retail node in the north half of the County Line Road Corridor.*

2. The existing land use pattern: *The existing land use pattern is made up of commercial fronting collector roads such as County Line Road and Brown's Ferry Road surrounded by residential subdivisions zoned for single-family detached dwellings.*

3. Possible creation of an isolated

district unrelated to adjacent and nearby districts:

*Tract A has an overall area of 22.04 acres, of which 10.67 acres is already zoned Community Commercial (B-2). The subject property is adjacent to land zoned Community Commercial (B-2) to the north. There are several tracts of land zoned Community Commercial along County Line Road. Therefore, the requested zoning does not create an isolated district.*

4. The population density pattern and projected effects on schools, utilities, land conservation and storm water management:

*The change in zoning from Multi-Family Residential (R-4) to Community Commercial (B-2) would decrease population density in the area and remove the impact on schools. The change in zoning should not have an effect on land conservation or storm water management.*

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

*The portion of Tract A zoned Multi-Family Residential (R-4) is not consistent with established development patterns in the area. The two primary uses of land is single-family detached dwellings with some commercial fronting collector roads. Also, the configuration of the Multi-Family Residential and Community Commercial (B-2) on Tract A does not provide the depth necessary to develop either apartments or commercial uses and provide screening buffers to protect the surrounding residential neighborhood from any negative impacts those uses may generate.*

6. Whether there are substantial reasons why the property cannot be used in accord with existing zoning:

*The current configuration of the two zoning districts on Tract A makes commercial development difficult along the frontage. The depth of the existing B-2 zoned property is not adequate to accommodate a typical retail outlot in its current depth from County Line Road.*

7. Whether changed or changing conditions make passage of the proposed amendment necessary:

*The amendment is necessary in order to expect quality commercial development and ensure neighboring residential areas are protected from the impacts of being adjacent to commercial establishments.*

8. Whether the change suggested is out of scale with the needs of the neighborhood or the City.

*The change requested is not out of scale with existing land use patterns in the general area. The land zoned Community Commercial (B-2) located north of the subject property and developed as the Village Shoppes of Madison is surrounded by Heritage Provence a residential subdivision. The development of this area is very similar to the requested change and its relationship to the adjacent residential subdivisions of Browns Ferry Crossing and The Arbors of Browns Ferry Crossing. The relationship between The Village Shoppes of Madison and the adjacent Heritage Provence Subdivision demonstrates that a similar sized commercial development is not out of scale with the adjacent residential community that surrounds it. The total area of the resulting B-2 property is as recommended by the Madison Growth Plan, soon to be adopted.*

9. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

*Using the Village Shoppes of Madison as an example, commercial development north of the subject property has not become a deterrent to the improvement and/or development of adjacent properties in Heritage Provence Subdivision.*

*Factors for consideration 10-13 are answered with one statement, below.*

10. Whether the proposed change will, through negative external effects, or the reasonable foreseeable creation of a nuisance, adversely influence living conditions in the neighborhood.

11. Whether the proposed change will create a drainage problem.
12. Whether the proposed change will seriously reduce light and air to adjacent areas.
13. Whether the proposed change will adversely affect property values on adjacent areas.

*Commercial development on Tract A must comply with screening buffer requirements adjacent to residential properties, open space requirements and outdoor lightings requirements, these regulations have been effective in reducing any negative external impacts to a reasonable level. Grading and drainage plans are required with any site plan submitted for review and must be approved by the Madison Engineering Department.*

14. Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the public welfare.

*There is no evidence that the requested zoning change would convey a special privilege to the property owner.*

#### **Technical Review Recommendation**

The Technical Review Committee recommends the zoning change from Multi-Family Residential (R-4) to Community Commercial (B-2).